

Worksession

Agenda Item #	13
Meeting Date	7 June 2004
Prepared By	Sara Anne Daines HCD Director
Approved By	Richard M. Finn City Manager

Discussion Item	Proposed revision of Facade Ordinance eliminating term limits for Historic Takoma, Inc. representative
Background	<p>The Takoma Park Facade Ordinance provides for the establishment of a seven (7) member Facade Advisory Board (FAB). Six of the seven advisory board positions are appointed by the City Council. The seventh board member is selected by Historic Takoma, Inc. and is to serve as its representative. Board members, with the exception of the Historic Takoma representative, serve for three (3) year terms. The Historic Takoma representative is to be selected by the organization on an annual basis. Board members may serve for a maximum of two consecutive terms.</p> <p>The Board of Directors of Historic Takoma has asked for an opportunity to discuss with the Council its interest in waiving the term limits included in the ordinance so that their selected representative would be exempt from this restriction.</p> <p>The following revisions to Ordinance 2002-07, Section 1(b) 4C.</p> <p>No Member, <i>with the exception of the Member representing Historic Takoma, Inc.</i>, shall serve for more than two consecutive terms. <i>Members representing Historic Takoma, Inc. may serve for an unlimited number of one year terms.</i></p>
Policy	To maintain the historic and architectural character of Old Town and Takoma Junction through the appointment of qualified individuals to the Facade Advisory Board.
Fiscal Impact	None
Attachments	<p>Ordinance #2002-07: Amendments to the Takoma Park Commercial District Facade Ordinance Revising the Size and Composition of Facade Advisory Board</p> <p>Ordinance 1999-43: Takoma Park Commercial District Facade Ordinance</p>
Recommendation	To discuss the proposed text amendment
Special Consideration	None

Introduced by: Councilmember Stewart

First Reading: 25 March 2002

Second Reading: 8 April 2002

Effective Date: 8 April 2002

ORDINANCE No. 2002 - 7

Amendments to the Takoma Park Commercial District Facade Ordinance Revising Size and Composition of Facade Advisory Board

WHEREAS the City of Takoma Park did, on October 11, 1999, adopt Ordinance #199-43 requiring the review of all proposed new construction, signs, and facade improvements within the Old Town and Takoma Junctions commercial areas; and

WHEREAS, said Commercial District Facade Ordinance provides for the formation of a Facade Advisory Board (FAB) and sets forth the design criteria and the process by which regulated improvements are to be reviewed; and

WHEREAS, the City Council wishes to expand the size of the FAB to facilitate the review process and to modify membership requirements permitting a broader community representation on the advisory board.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland that Ordinance #1999-43 Takoma Park Commercial District Facade Ordinance is amended as follows:

Section 1 (1b) Members

1. The FAB shall consist of ~~six (6)~~ **seven (7)** voting members.
 - A. ~~Four (4)~~ **At least two (2)** members shall be professional such as architects, planners, and/or historians.
 - B. ~~Two (2)~~ **At last two (2)** members shall be building or business owners **located or doing business in the Takoma Old Town and Takoma Junction commercial areas as defined herein Section 2(2B).**
 - C. **One (1) member shall represent Historic Takoma, Inc.**
 1. **The Board of Historic Takoma Park Inc. shall select from among its membership for consideration by the City Council, two representatives, one of which may be appointed to serve as a voting member of the FAB, the other to serve as an alternate.**
4. Members shall be nominated and appointed by the City Council. ~~to serve a 3-year term and shall serve no more than two consecutive terms.~~
 - A. ~~Terms shall be staggered so as not to replace more than three members in any 12-month period.~~ **Initial appointees shall receive terms of 1, 2, and 3 years; thereafter all terms are for three years. All terms shall expire on the last day of April.**

- B. Historic Takoma Park, Inc. representatives shall serve for one (1) year.
- C. No Member shall serve for more than two consecutive terms.

Section 2 (2K) Compliance Procedures

1. Enforcement

- A. ~~Within five (5) months of the date of adoption of this ordinance~~ The City shall provide training to the staff of the Office of Code Enforcement, and distribute informational materials to affected building and business owners.

BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately.

Adopted this 8th day of April 2002 by roll call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

Additions to the existing language of the Takoma Park Commercial District Facade Ordinance are shown by shading.

Deletions to the existing language of the Takoma Park Commercial District Facade Ordinance are shown by ~~strikeout~~.

Ordinance # 1999 - 43

**TAKOMA PARK
COMMERCIAL DISTRICT FACADE ORDINANCE**

- WHEREAS,** the City Council of Takoma Park, MD has recognized that the areas known as Takoma Old Town and Takoma Junction are Commercial Revitalization Areas located in the Takoma Park Historic District of Montgomery County; **AND**
- WHEREAS,** the City Council of Takoma Park, MD has recognized that other Commercial Revitalization Areas within the City are not in the Takoma Park Historic District of Montgomery County; **AND**
- WHEREAS,** the City Council of Takoma Park adopted the following four (4) facade ordinances covering three (3) commercial districts between 1981 and 1987:
Facade Ordinance No. 2592 and Facade Ordinance No. 2701 for Takoma Old Town,
Facade Ordinance No. 1985-30 for Takoma Junction, and
Facade Ordinance No. 1987-28 for Erie/Flower and Flower/Piney Branch commercial districts; **AND**
- WHEREAS,** the Sign Ordinance, Article 59-F of the Montgomery County Code and the BOCA - Property Maintenance Code is required to be enforced in all commercial areas in the City of Takoma Park; **AND**
- WHEREAS,** the City Council finds that the existing City facade ordinances for the areas known as Takoma Old Town and Takoma Junction should be consolidated and coordinated with the Montgomery County regulations; **AND**
- WHEREAS,** the City Council finds that there is a need to enhance the process for achieving and maintaining design and a visual quality and expediting permit approval process in the commercial areas of Takoma Park; **AND**
- WHEREAS,** the City Council finds a need to establish a Facade Advisory Board to provide design and historic advisory assistance for building and business owners located in the commercial areas of Takoma Park and to provide recommendations to the Montgomery County Historic Preservation Commission regarding permit applications; **AND**
- WHEREAS,** building and business owners applying for a Historic Area Work Permit for facade modifications, signs, and new construction in the commercial areas of Takoma Park are encouraged to consult with the Facade Advisory Board; **AND**
- WHEREAS,** the City Council will appoint the members of the Facade Advisory Board and direct the City Administrator to appoint a City staff person to coordinate, facilitate and support the

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT: Facade Ordinances No. 2592, No. 2701, No. 1987-28, and No. 1985-30 are hereby repealed.

BE IT FURTHER ORDAINED THAT FACADE ORDINANCE No. 1999-43 BE ADOPTED AS FOLLOWS:

SECTION 1: Establishment of Facade Advisory Board

1A. Purpose

1. The Facade Advisory Board (FAB) is established as an advisory panel to:
 - a. Help ensure that facade designs and their maintenance are harmonious and consistent with the intended quality and character of the commercial areas of Takoma Park.
 - b. Provide guidance and assistance to commercial building and business owners seeking permits for facade alterations, signs, and new construction work.
 - c. Coordinate with and advise the City of Takoma Park Code Enforcement Department.
 - d. Inform citizens and business owners of the historic district benefits and requirements and to continue coordinating with the Montgomery County Historic Preservation Commission and the Montgomery County Department of Fire and Rescue Services - Code Enforcement (MCFD) regarding necessary approvals.

1B. Members

1. The FAB shall consist of six (6) voting members.
 - a. four (4) members shall be professionals such as architects, planners, and historians
 - b. two (2) members shall be building or business owners
2. Members shall be nominated and appointed by the City Council to serve a 3-year term and no more than 2 consecutive terms.
 - a. Terms shall be staggered so as not to replace more than 3 members in any 12-month period.
3. The initial term of a member appointed to replace a member who cannot complete his/her term shall be for the remainder of that member's term.
4. A member, whose term expires, may upon a majority vote of the remaining members, continue as a voting member on pending cases which were ongoing prior to the completion of their term.

5. The City Administrator may remove a member before their term has expired if the member has become incapacitated, has failed to reasonably perform his/her duties, or has missed 3 consecutive meetings.

6. The FAB shall elect a Chairperson and a Vice Chairperson.

1C. Support Staff

1. The City Administrator shall assign City staff familiar with building code and historic preservation policies and procedures in Takoma Park, Montgomery County, and the State of Maryland to support the FAB.

1D. Meetings

1. The FAB shall convene as frequently as may be reasonably required to perform its duties and may operate under a quorum of at least three (3) voting members.
2. The FAB shall establish a regular monthly meeting date, time and place which shall be published, along with the name and phone number of the City staff person to contact for placing items on the agenda.
3. The City staff will consult with the Chairperson and prepare and distribute an agenda and supporting materials to the members at least seven (7) days in advance of each regularly scheduled meeting date.
4. If there are no agenda items, the Chairperson may cancel the regularly scheduled meeting and have the City staff person (s) notify the Board members.
5. An emergency meeting may be convened by the Chairperson by providing written notice to each member at least seven (7) days prior with supporting materials and an explanation of the nature and need of the meeting.
6. The FAB shall meet at least every six (6) months to evaluate process.

1E. Duties

1. The FAB shall advise commercial building and business owners of the provisions of this Ordinance and available financial resources.
2. The FAB may make recommendations to Montgomery County Historic Preservation Commission regarding facade, sign, and similar architectural and planning related issues.
3. The City Administrator (or his/her appointed designee), in conjunction and with the FAB, shall implement, enforce and routinely update the City Standards described in Section 2 of this Ordinance.

4. Members may advise and comment on, but shall recuse themselves from voting, issues affecting properties in which they have any direct financial interest.
5. The City staff will be responsible for managing administrative functions of the FAB, assisting applicants in preparing presentations to the FAB, preparing agendas, and preparing reports for the FAB.

SECTION 2: Standards

2A. County Regulations

1. Montgomery County standards and regulations shall apply within all commercial areas of Takoma Park including:
 - a. Building Code regulations (latest version).
 - b. Sign Ordinance Article 59-F of the Montgomery County Code (latest version).
2. The following Takoma Park City Codes shall apply: Sections 6-4 PM 100.2, 6-4 PM 301.1, 6-4 PM 301.4, 6-4 PM 301.7, 6-4 PM 302.3-302.9, 6-7, 6-12, 10-23

2B. City Standards

1. The City Standards for design set forth in 2C and in subsequent sections shall apply to the following areas upon adoption of such Standards by the Montgomery County Historic Preservation Commission:
 - a. Takoma Old Town - All commercial properties located on Laurel Avenue and Carroll Avenue (MD 195), between Eastern Avenue and Columbia Avenue.
 - b. Takoma Junction - All commercial properties located on Carroll Avenue (MD 195) and Ethan Allen Avenue (MD 410) between Philadelphia Avenue (MD 410), Lee Avenue, and Sycamore Avenue.
 - c. All other commercial properties in the City of Takoma Park on a voluntary basis only.
2. The City Standards for maintenance set forth in 2C and in subsequent sections shall apply to all commercial properties in Takoma Park

2C. General Standards

1. These City Standards are intended to promote and enhance the unique character of Takoma Park; to help provide and maintain economically viable, attractive and convenient business districts; to protect and enhance property values; to cultivate and maintain a positive visual image; to assist in disseminating knowledge regarding redevelopment funds; and to promote the public welfare.
2. The City Standards shall to the maximum practical extent, clearly differentiate

between issues such as maintenance/new construction/alterations, historic/non-historic, requirements/recommendations, and city/county permits.

3. The City Standards should be reviewed and updated, as necessary, through a public hearing process at least once every 3 years by the City Council w/the advice and assistance of the FAB.

2D. Roofs

1. Design (Materials/Modifications):

- a. Roof shapes, materials and colors shall be compatible with the historic nature (if applicable) and character of the building and neighborhood.
- b. Skylights and solar collectors (if used) shall be aesthetically integrated into the roof profile and coordinated with roofing materials and finishes.
- c. Rooftop mechanical equipment, antennas, satellite dishes and similar elements shall not be permitted to be in view of the public right of way. When it is necessary to be located within a viewable area, such items shall be screened in a manner that is compatible with the roof profile and materials.
- d. Extraneous and unused elements, including but not limited to signs, equipment, and billboards, shall be prohibited.

2. Maintenance

- a. Roofing materials, chimneys and other auxiliary structures shall be kept in a good state of repair and appearance.

2E. Exterior Walls

1. Design (Modifications/Replacement)

- a. All elements of building facades shall be compatible with the original materials and construction of the building.
- b. Brick, stone, and other masonry surfaces shall be cleaned in the gentlest manner possible, repaired, and repointed as required and preserved in their original color and texture.
- c. Stucco surfaces shall have a similar texture to the original or remaining existing surfaces.
- d. Exterior finishes and colors shall be compatible with neighboring structures.
- e. Plywood and/or asphalt shingle siding shall not be permitted.
- f. Window/through-wall type air-conditioning units if used, shall be harmonious with the facade and shall not interfere with or be hazardous to pedestrian circulation and shall not drain to the sidewalk.
- g. Vinyl gutter and down spouts are permitted.
- h. Miscellaneous elements which are not of historic value such as empty electrical boxes, conduits, pipes, unused sign brackets, and alarm units shall be removed.

2. Maintenance

- a. All exterior facade materials shall be maintained in sound and attractive condition.**
- b. Rotten, broken, or otherwise deteriorated materials shall be repaired or replaced in kind.**
- c. Peeling and/or chalking painted surfaces shall be repainted or otherwise refinished in a manner aesthetically compatible with their location.**
- d. Gutters and down spouts shall be kept securely attached.**

2F. Architectural Details

1. Design (Modifications/Replacement)

- a. Cornices shall be restored or replaced to be compatible with their original historic design of the building as part of any substantial facade renovation work.**
- b. Signs covering building cornices shall be removed and the cornice repaired and restored.**
- c. Lintels, arch work, and sills over windows shall be preserved, restored or replaced in a style compatible with the original construction.**
- d. Windows shall be of matching or otherwise compatible design and material and shall be of the same height and width as existed in the original construction. Vinyl-clad wood or metal or other weather resistant materials may be considered.**
- e. Ornamental window grilles or balconettes may be incorporated as decorative or security devices.**
- f. Boarding or filling in windows on street front and side facades shall be prohibited.**
- g. Windows facing alleys or yards may be closed with materials and a design that matches or are compatible with the surrounding materials and finishes.**
- h. Textured or colored glass and ribbed or patterned metal shall not be permitted as replacement materials for shopfront windows.**
- i. Non-metal security grilles, screens, and mesh wire shall be prohibited.**
- j. Public entry doors, including stoops and approaches shall be accessible to persons with disabilities to the maximum extent practical without being detrimental to the historical value of the property.**
- k. Doorway steps, stoops, or ramps shall be compatible with the original design of the building. Where there are more than two risers, railings shall be installed.**
- l. Rigid fixed awnings, canopies, and similar overhangs for weather protection and compatible with the building design are permitted over the first floor and on upper floor windows and entrances. Wooden shingle mansard type awnings are prohibited. Cloth awnings shall be made with fire retardant material.**
- m. First floor awnings shall terminate not higher than six inches (6") below the second floor window sill. The front valance of awnings shall not exceed one**

foot (1'-0") in depth. Signs, symbols or other designs compatible with the facade and in conformance with sign requirements are permitted on awnings.

2. Maintenance

- a. Cornices shall be structurally sound. Rotted or weakened portions shall be repaired or replaced. All exposed wood shall be painted or otherwise finished.
- b. Windows must be tight fitting. Rotted, broken, loose or otherwise deteriorated or damaged sashes, window panes, mullions, and muntins shall be repaired or replaced in kind. All exposed wood shall be painted or otherwise finished.
- c. Faded, peeling or similarly deteriorated awnings shall be removed, replaced, or repaired.
- d. Extraneous and/or unused hardware, signs, and equipment shall be removed.
- e. Broken, rotten, or damaged elements shall be removed, replaced or repaired.
- f. Security grilles shall be free of rust, peeling paint or other unsightly appearance.
- g. Solid or other similarly permanently enclosed, covered or painted shopfront windows shall not be permitted.
- h. Vending machines located within 25 feet of the sidewalk shall be screened from view.

2G. Signs

7. Design (Modifications/Replacement)

- a. Signs must be compatible with or complementary to the character of the facade.
- b. Sign materials shall be easily maintained and may include treated fabric, natural or painted wood, metal, and metal, wood, plastic or painted numbers and letters.
- c. Signs may not exceed a maximum of thirty inches (30") high nor project more than eight inches (8") from the building facade.
- d. The maximum allowable sign area in square feet shall not exceed two times the frontage width of the building in feet. Sign area is the entire portion that can be enclosed within a single, continuous rectangle around the extreme limits of the letters, figures, designs, and illumination, plus any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building structure against which it is placed.
- e. Lettering applied to windows or entrance doors may not exceed twelve inches (12") in height and the text shall be limited to the street number and/or name of the business.
- f. Signs at the rear of the building may not exceed six square feet (6 sf) in size and may not be luminous.
- g. Signs painted on the facade or on the inside of windows shall be no greater than eight inches (8") in height, except if they are the only identifying sign for the property, in which case they may be a maximum of twelve inches (12") in

height.

- h. The size of signs on shopfront windows may not exceed twenty percent (20%) of the glass area.
- i. Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building, but shall not project above the building ground floor entry door lintel.
- j. Signs shall be placed in the shop window, above the shop window, and below the sill of the second floor window or on a fixed awning.
- k. Exterior wall mounted signs may not be luminous but may be illuminated as described in Section H - Lighting section.
- l. Neon signs are permitted inside the store window. Flashing or moving signs (other than barber poles) are not permitted.
- m. Rooftop signs, above the parapet of the building, billboards, or outdoor advertising signs painted or mounted on the buildings are not permitted.
- n. Signs mounted at right angles to the face of the building are not permitted.
- o. Signs painted on buildings are not permitted.
- p. Billboards other than those identifying the general shopping area are not permitted.
- q. Decorative neon lights are permitted on the front facades of the building.

2. Maintenance

- a. Temporary signs of all types may not occupy more than twenty percent (20%) of the window area and may not be left in place for more than thirty (30) consecutive days.
- b. Abandoned or outdated signs, billboards and related posts and structures shall be removed within thirty (30) days of disuse.

2H. Lighting

1. Design (Modifications/Replacement)

- a. Exterior lighting may be installed to illuminate the building facade and entry. Lighting fixtures must be located, aimed and shielded so that the light is directed only onto the building and not toward adjacent roads.
- b. Lighting fixtures shall be compatible with the design of the building and may not project more than twenty-four inches (24") from the face of the building.
- c. Maximum facade illumination shall not exceed an average of 5 foot candles.
- d. The following lighting sources are permitted:
 - Fully recessed down lights with a bulb not visible at pedestrian eye level.
 - Wall washers in projecting metal box or goose neck fixtures with a diffuser or reflector fully shielded light sources, not visible at pedestrian eye level.
 - Individually lit letters internally or backlit.
- e. The following lighting methods are not permitted:
 - Exposed (visible) fluorescent, quartz or mercury vapor lamps.
 - Exposed incandescent lamps other than low wattage, decorative type fixtures lighting.

- Flood lights which create glares to vehicles, or occupants of buildings.
 - Low pressure sodium.
 - Lights which blink, black out, flash, or create a motion effect.
- f. Electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switch and panel boxes shall be concealed from view.

2. Maintenance

- a. Low level facade lighting is recommended to be operational to 11:00 pm.
- b. Continuous internal security/police surveillance night lighting is recommended for all street level businesses.

21. Rear and Side Yards

1. Design (Modifications/Replacement)

- a. Paved rear yards may be used for parking or loading.
- b. Storage or trash containers shall be screened from public view.
- c. Parking areas shall be screened from adjoining residential property.
- d. Refuse and storage areas shall be screened from the view of adjacent properties and public rights-of-way. Screening may consist of masonry walls or durable wooden fences not less than four feet (4') nor more than six feet (6') high, or compact dense evergreen hedges not less than four feet (4') high at time of installation.

2. Maintenance

- a. Yards shall be maintained to provide a neat appearance and not detract from the building or surrounding neighborhood.
- b. Refuse and storage areas must be maintained and kept neat in appearance at all times.

2J New Buildings

1. Design

- a. Facades must be compatible with and enhance the character of the adjacent areas and approved by the Montgomery County Historic Preservation Commission.

2K Compliance Procedures

1. Reviews and Approvals

- a. Design plans are required to be reviewed and approved by Montgomery County before proceeding with work.
- b. The City of Takoma Park notes that the Montgomery County Historic

Preservation Commission may refuse to approve drawings, plans, or specifications that are not suitable or desirable for aesthetic or functional reasons; and shall have the right to take into consideration issues such as, but not limited to, the suitability of the site plan, architectural treatment, plans, elevations, materials and color, construction details, streets, sidewalks, and the harmony of the plans with the surrounding area.

- c. All demolition applications are subject to review and approval by the Montgomery County Historic Preservation Commission as stipulated under Chapter 24-A of the Montgomery County Code.
- d. To help facilitate approval, it is recommended that plans also be reviewed and submitted to the County with an endorsement/comment report by the FAB.

2. Enforcement

- a. Within five (5) months of the date of adoption of this ordinance the City shall provide training to the staff of the Office of Code Enforcement, and distribute information materials to affected building and business owners.
- b. Not sooner than eight (8) months following the date of adoption of the City Standards by Montgomery County Historic Preservation Commission, the Facade Advisory Board shall notify the owners of properties determined not to be in compliance the City Standards set forth in Section 2C. Notice shall be in writing and shall include a statement of the suggested corrective action and a notice that the FAB is available to provide assistance by appointment.
- c. Should the Office of Code Enforcement identify a property which is not in compliance with the City Standards set forth in Section 2C, Code Enforcement may issue a written Notice of Violation to the property owner which shall:
 - o Include a legal description or the street address of the property.
 - o Include a detailed description of the violation.
 - o State a reasonable time for the property owner to abate the violation.
- d. Notices of Violation shall be deemed to have been properly served by personal delivery, or by first class mail to the property owner's last known address, or by any other method authorized by the laws of the State of Maryland and the City.
- e. If a property owner does not abate the violation within the time allowed for correction, the maintenance provisions of the City Standards set forth in Section 2C, then a citation for a class C municipal infraction may be issued to the property owner or other responsible party.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND, ON OCTOBER 11, 1999.

Aye:	Porter, Elrich, Rubin, Stewart, Williams
Nay:	None
Abstain:	None
Absent:	Chavez, Hawkins